

REMARKS

The Office Action dated July 16, 2007, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

The Applicants appreciate the acknowledgement of allowable subject matter in claim 2.

By the foregoing amendment, claims 1-14 have been amended. Claims 1-14 are currently pending in the application and subject to examination. Claims 5-14 stand withdrawn.

Election Restriction

The Office Action is holding that newly submitted claims 5-14 are directed to an invention that is independent or distinct from the invention originally claimed. More specifically, claims 4-8 and 14 are held to be directed toward a method of cleaning a component and claims 9-13 are held to be directed toward a means of forming a component for use in a film-forming material.

Since applicant has received an action on the merits for the originally presented invention, the Office Action holds that the invention of claims 1-4 has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 5-14 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

In making this requirement, the Office Action asserted that "Newly submitted claims 5-14 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 4-8 and 14 are directed toward a method of cleaning a component and claims 9-13 are directed toward a means of forming a component for use in a film-forming material." *Office Action*, page 2. The Applicants respectfully disagree. Claims 5-8 were not newly added in the last response, as asserted by the outstanding Office Action. They are original claims 5-8 slightly amended. Moreover, claims 5-7 were merely amended in the last response to incorporate the structure of apparatus claims 1-3, from which method claims 5-7 originally depended. In addition, claim 8 depends from claim 5, and includes the step of "forming a layer consisting of a metal film easily soluble in the cleaning solution on the surface of the body prior to the adherence of the film thereon during use," similar to the structure recited in original claim 4. Thus, the subject matter of claims 5-8, as amended in the last response, is not directed to a different invention from that constructively elected by original presentation (original claims 5-8 being directed to a method for cleaning a component of a film-forming device), and, as noted in the outstanding Office Action, was previously considered and acted on by the Examiner in the Office Action on the merits dated December 13, 2006. Accordingly, the Applicants respectfully submit that claims 5-8 are directed to the subject matter constructively elected by original presentation, and withdrawal of the restriction of claims 5-8 and examination of these claims in the instant application are respectfully requested.

Moreover, claims 9-14, which were newly added in the last response, are directed to "a component for use in a film-forming apparatus in which a thin film is

formed on a substrate using a film-forming material.” These claims are not directed to “forming a component.” They are directed to the component itself. Original claims 1-4 as well as claims 9-14 are directed to “a component of a film-forming apparatus in which a thin film is formed on a substrate using a film-forming material.” It is submitted that claims 9-14 do not differ from the scope of the originally filed claims sufficiently to render concurrent examination thereof a serious burden on the examiner, as required by MPEP § 803. Accordingly, the Applicants respectfully request withdrawal of the restriction of claims 9-14 as well.

Allowable Subject Matter

Claim 2 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

(1) Claims 1 and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Buynoski et al. (U.S. Patent 6,207,553).

In making this rejection, the Examiner asserts that Buynoski discloses a metallization layer (Figs. 2a-2e) that contains component (ILD 1) of a film-forming device (the whole device) in which a thin film (ILD 1) is formed on a substrate (1) using a film-forming material (dielectric), a body (ILD2) having a back face and a top face and a large number of through holes (a2, d2) each extending from the back face to the top face therein, wherein one of the back face and the top face includes a surface on

which the thin film is adhered during use and the through holes provide access from the other one of the back face and the top face to the thin film adhered on the surface.

Regarding claim 4, the Examiner maintains the position that Buynoski discloses "a layer (metal 4, fig. 1) consisting of a metal film formed on the surface of the component." *Office Action*, page 3.

Applicants respectfully traverse this rejection.

1) The Examiner is completely and clearly misreading and misinterpreting the claimed subject matter. Consequently, the Examiner has not yet found or applied any art even remotely relevant to the claimed invention. The ILD1 of Buynoski is, as admitted by the Examiner in the outstanding Office Action, a thin film and is not a "component of a film forming apparatus" as claimed.

2) The ILD1 of Buynoski, as admitted by the Examiner in the outstanding Office Action, is contained in a metallization layer, and is not a "component of a film forming apparatus" as claimed.

3) The ILD2 of Buynoski is a second "low-k" gap-fill layer and is not a "body" of "the component of the film-forming apparatus" as claimed.

4) Elements A2, D2 of Buynoski are submicron-sized features of a patterned metal layer 20 and are not through holes at all.

5) Buynoski is directed to a method of forming multiple levels of patterned metallization and includes absolutely no disclosure regarding problems occurring when a thin film material falls off such a component of a film forming apparatus onto the pattern being produced, nor of cleaning such a component.

The Applicants are not claiming the workpiece being produced in the apparatus (such as disclosed in Buynoski et al.). The claims are directed to a component of that apparatus used to make the workpiece.

(2) Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Buynoski as applied to claim 1 above, and further in view of Gaynes et al. (U.S. Patent 6,236,115).

Applicants respectfully traverse this rejection because, although Gaynes discloses through holes 31, which may be angled toward the horizontal, the through holes 31 of Gaynes “are relatively large in comparison with transistors, connections and other electrical components which may be formed on the chip...” See *Gaynes*, col. 6, lines 1-18. Further, these are not holes in “a component of a film forming apparatus.” Therefore, combining Gaynes with Buynoski would not yield the invention as recited in claim 3. In addition, Gaynes does not cure the remaining deficiencies of Buynoski noted above.

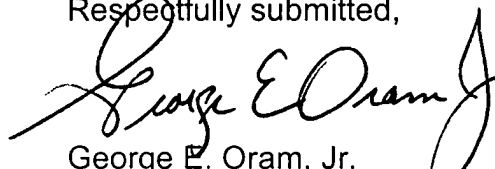
Conclusion

For all of the above reasons, it is respectfully submitted that claims 1-14 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, referencing Attorney Docket Number 026390-00029.

Respectfully submitted,



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